

**REMARKS**

Favorable action on the merits is solicited in view of the foregoing amendments and the following remarks.

**I. Claim Status and Amendments**

Claims 1-20 were pending in this application when last examined and stand rejected. Claims 12-16 and 20 were withdrawn as non-elected subject matter. Claims 1-11 and 17-19 were examined on the merits and stand rejected.

Claim 1 has been amended by way of the present amendment. Support can be found throughout the general disclosure, for example, at page 14, lines 14-22 and original claims 1 and 3. No new matter has been added.

Claim 3 has been cancelled without prejudice or disclaimer thereto. Applicants reserve the right to file a continuation or divisional application on any cancelled subject matter.

Claims 1-2 and 4-20 are pending upon entry of this amendment, and these claims define patentable subject matter warranting their allowance for the reasons set forth herein.

**II. Information Disclosure Statement**

Kindly consider the references submitted with Information Disclosure Statement (IDS) filed concurrently with

this paper, and return an Examiner-initialed PTO-1449 form indicating such.

### **III. Obviousness Rejection Under 35 U.S.C. §103**

Claims 1-6 and 9-11 have been rejected under 35 U.S.C. §103(a) as obvious over Maxfield et al. (WO 93/04117) in view of Frank (US 5,217,762) for the reasons on pages 2-5 of the Office Action.

Claim 7 was rejected under 35 U.S.C. §103(a) as obvious over Maxfield et al. and Frank in view of Oswald (4,136,103) for the reasons on pages 5-6 of the Office Action.

Claims 17-18 have been rejected 35 U.S.C. §103(a) as obvious over Yasue et al. (US 5,414,042) or Fujimoto et al. (6,255,378) or Ueda et al. (JP 2003-020401) or Saito et al. (JP 2003-073542) in view of Maxfield et al. and Frank for the reasons on pages 6-8 of the Office Action.

Claim 19 has been rejected 35 U.S.C. §103(a) as obvious over Yasue et al. or Fujimoto et al. or Ueda et al. or Saito et al. in view of Maxfield et al., Frank, and Catlin (5,819,408) for the reasons on page 8 of the Action.

These rejections are respectfully traversed and will be discussed together below.

The rejections should fall, because the cited prior art references, either alone or when combined, fail to teach, suggest

or make obvious all of the limitations of amended claim 1 (which is the sole independent claim under examination), as required to support a *prima facie* case of obviousness.

Claim 1, as amended, requires that all said steps of the method are carried out in a single extrusion procedure. It is believed that this amendment distinguishes claim 1 from the primary references of Maxfield et al. and Frank. Specifically, there is no indication in Maxfield et al. or Frank that would direct a skilled person to carry out all steps in a single extrusion procedure as required in amended claim 1.

Thus, it is believed that independent claim 1, as amended, is novel and patentable over the primary references of Maxfield et al. or Frank, and any combination thereof. Indeed, the Examiner seemingly acknowledges this distinguishing feature of the invention. See, for instance, page 3, first full paragraph of the Office Action, wherein the Examiner states: "Maxfield et al. differs from the Applicant's claim in that they add the polyamide all in one step instead of mixing part of the polyamide with the silicate and then adding the rest of the polyamide later." See also the last sentence on page 3 of the Office Action, wherein the Examiner states: "[a]lthough it appears from the specification that the applicant's invention is conducted in one single extruder at one time the claims are not so limited." Accordingly, Applicants respectfully submit that

the amended claims are neither disclosed nor suggested by the cited references, and thus they are distinguishable over the cited references.

It is to the references of Maxfield et al. and Frank, and in particular, the Maxfield et al. reference, that the rejections stand or fall, because the Examiner always cites Maxfield et al. and Frank in combination with the other prior art references, as allegedly disclosing the core process of claim 1. In this regard, the Examiner relies on the other cited references as disclosing the features of dependent claims 7 and 17-19. Further, the other cited references do not remedy the above-noted deficiencies of Maxfield et al. and Frank, because they also do not disclose or suggest performing all steps in a single extrusion procedure as required in amended claim 1.

Thus, the rejection should fall, because the combined prior art references fail to disclose or suggest each and every element of independent claim 1, as required to support a *prima facie* case of obviousness. For this reason, claim 1 and all claims dependent thereon are novel and patentable over the cited prior art references, either alone or when combined.

Therefore, the above-noted obviousness rejections are untenable and should be withdrawn. Withdrawal of the rejections is requested.

#### **IV. Conclusion**

Appln. No. 10/526,766  
Amd. dated June 4, 2009  
Reply to Office Action of March 5, 2009

Having addressed all the outstanding issues, the amendment is believed to be fully responsive to the Office Action. It is respectfully submitted that the claims are in condition for allowance, and favorable action thereon is requested. If the Examiner has any comments or proposals for expediting prosecution, please contact the undersigned attorney at the telephone number below.

Respectfully submitted,

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